

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BURKE,

Plaintiff,

v.

PATRICK COVELLO, et al.,

Defendants.

No. 2: 23-cv-0768 KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. § 1983. For the reasons stated herein, plaintiff is granted thirty days to file an amended complaint and plaintiff's motion for a settlement conference (ECF No. 17) is denied.

On June 29, 2023, the undersigned dismissed plaintiff's complaint with leave to amend. (ECF No. 8.) Plaintiff appealed the order dismissing his complaint with leave to amend to the Ninth Circuit Court of Appeals. (ECF No. 12.) On August 24, 2023, the Ninth Circuit dismissed plaintiff's appeal for lack of jurisdiction. (ECF No. 16.) On September 15, 2023, the Ninth Circuit issued the mandate. (ECF No. 18.)

On July 28, 2023, plaintiff filed exhibits in support of the complaint. (ECF No. 15.) Plaintiff contends that these exhibits demonstrate that defendants violated plaintiff's constitutional rights. (Id.)

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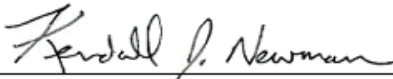
1 The pleading filed by plaintiff on July 28, 2023, is not an amended complaint. Piecemeal
2 amendment of complaints is not permitted. See Local Rule 220. The undersigned cannot refer to
3 the exhibits filed by plaintiff on July 28, 2023, in order to determine whether plaintiff's
4 complaint, filed on April 24, 2023, states potentially colorable claims for relief. Accordingly,
5 plaintiff is granted thirty days from the date of this order to file an amended complaint.

6 Plaintiff is advised that in an amended complaint he must clearly identify each defendant
7 and the action that defendant took that violated his constitutional rights. The court is not required
8 to review exhibits to determine what plaintiff's charging allegations are as to each named
9 defendant. The charging allegations must be set forth in the amended complaint so defendants
10 have fair notice of the claims plaintiff is presenting.

11 On September 5, 2023, plaintiff filed a motion for a settlement conference. (ECF No. 17.)
12 Plaintiff's motion for a settlement conference is denied because no defendants have been served.

13 Accordingly, IT IS HEREBY ORDERED that plaintiff is granted thirty days from the date
14 of this order to file an amended complaint; failure to file an amended complaint within this time
15 will result in the recommendation of dismissal of this action.

16 Dated: September 26, 2023

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE
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